

Message Text

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PAGE 01 GENEVA 06532 01 OF 02 010938Z

ACTION DLOS-09

INFO OCT-01 AF-10 ARA-14 EA-12 EUR-12 NEA-10 ISO-00

ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-04

SOE-02 DOE-15 FMC-02 TRSE-00 H-02 INR-10 INT-05

IO-14 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OES-07

OMB-01 PA-02 PM-05 SP-02 SS-15 ICA-20 OIC-02

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P 010924Z MAY 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 9031

LOS COLLECTIVE

AMEMBASSY KATHMANDU

AMEMBASSY SUVA

UNCLAS SECTION 01 OF 02 GENEVA 06532

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS CONFERENCE - UNCLASSIFIED WEEKLY SUMMARY,
17-21 APRIL

BEGIN SUMMARY

ON COMMITTEE I MATTERS, THE NJENGA (NG-1), KOH (NG-2)
AND ENGO (NG-3) NEGOTIATING GROUPS MET TO CONSIDER,
RESPECTIVELY, THE SYSTEM OF EXPLOITATION, FINANCIAL
ARRANGEMENTS, AND ORGANS OF THE AUTHORITY. THE ACCOMODA-
TION OF LL/GDS INTERESTS IN THE ECONOMIC ZONE AND THE
RELATED QUESTION OF THE OUTER LIMIT OF THE CONTINENTAL
SHELF WERE DISCUSSED IN NEGOTIATING GROUPS (NG-4) AND (NG-
6). POLLUTION ISSUES WERE THE MAIN CONCERN OF COMMITTEE
III DISCUSSIONS. NEGOTIATING GROUP (NG-5) CONSIDERED
SETTLEMENT OF DISPUTES CONCERNING ECONOMIC ZONE FISHERIES.
GROUP (NG-7) ADDRESSED THE DELIMITATION OF MARITIME
UNCLASSIFIED

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PAGE 02 GENEVA 06532 01 OF 02 010938Z

BOUNDARIES BETWEEN STATES. END SUMMARY.

1. NJENGA OFFERED HIS OWN REVISION OF ICNT 151 (SEE GENEVA
6274). THIS DRAFT WAS CONSIDERED IN THE SMALL NJENGA
GROUP BUT HAS NOT YET BEEN DISCUSSED IN THE FULL NG-1.
NJENGA ASKED THE FULL GROUP TO RESERVE COMMENT ON HIS
TEXT PENDING A MORE COMPLETE REVIEW OF THE SYSTEM OF

EXPLORATION AND EXPLOITATION.

2. NG-1 DID HOWEVER DISCUSS TECHNOLOGY TRANSFER AND ANNEX II. ON THE FORMER, THE EEC, WITH US SUPPORT, SUGGESTED A REQUIREMENT OF GOOD FAITH NEGOTIATIONS BETWEEN CONTRACTOR AND AUTHORITY, SUBJECT TO COMPULSORY CONCILIATION IN THE ABSENCE OF AGREEMENT. DEVELOPING COUNTRIES PRESSED FOR A GUARANTEE OF TRANSFER BOTH TO THEM AND TO THE AUTHORITY.

3. THE DISCUSSION OF ANNEX II WAS INCONCLUSIVE. DEVELOPED AND DEVELOPING STATES MAINTAINED PREVIOUSLY EXPRESSED POSITIONS. MANY DEVELOPING COUNTRIES BELIEVE THAT THE ENTERPRISE SHOULD BECOME THE SOLE SEABED MINER, FOLLOWING A TRANSITIONAL PERIOD DURING WHICH PRIVATE AND STATE COMPANIES WOULD ALSO BE ALLOWED TO MINE. DEVELOPED COUNTRIES REFUSE TO HAVE THEIR ACCESS TERMINATED AND BELIEVE THAT THE FUTURE OF THE ENTERPRISE SHOULD DEPEND ON ITS ABILITY TO BECOME FINANCIALLY SELF-SUFFICIENT AND COMPETITIVE IN THE WORLD MINING INDUSTRY.

4. FINANCIAL ARRANGEMENTS UNDER THE ICNT WERE DISCUSSED IN NG-2. THE CHAIRMAN, KOH OF SINGAPORE, PRODUCED A FLOW CHART ON THE SUBJECT. THE US, SUPPORTED BY OTHER DEVELOPED COUNTRIES REITERATED ITS WILLINGNESS TO ASSIST THE ENTERPRISE THROUGH LOAN GUARANTEES. THE SOVIET UNION
UNCLASSIFIED

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PAGE 03 GENEVA 06532 01 OF 02 010938Z

EXPRESSED A SIMILAR WILLINGNESS, BUT PREFERS THAT THE ENTERPRISE BE FINANCED BY THE ACTUAL SEABED MINERS. IT WOULD, HOWEVER, ACCEPT ARTICLE 10(C)(III) AS A COMPROMISE IF THE DEVELOPING COUNTRIES WERE WILLING TO DO SO ALSO.

5. DEVELOPING STATES CONTINUED TO ARGUE THAT ENTERPRISE ADMINISTRATIVE COSTS SHOULD COME FROM THE AUTHORITY'S GENERAL FUND. THEY CLAIM THIS IS PROPER BECAUSE THE ENTERPRISE IS THE OPERATING ARM OF THE AUTHORITY. DEVELOPED COUNTRIES, INCLUDING THE US, MAINTAIN THAT, AS A BUSINESS OPERATION, THE ENTERPRISE SHOULD PAY FOR ITS OWN ADMINISTRATION. KOH INDICATED THAT HE WOULD SUGGEST NEW LANGUAGE ON THIS POINT AFTER FURTHER CONSULTATIONS.

6. THE ENGO GROUP ON INSTITUTIONAL ARRANGEMENTS (NG-3) MET ALSO. IT WILL CONTINUE TO MEET INFORMALLY, FORMING SMALL WORKING GROUPS AS NECESSARY.

7. HARD CORE ISSUES WITHIN THE COMPETENCE OF COMMITTEE II WERE CONSIDERED IN NEGOTIATING GROUPS 4 AND 6 (NG-4) AND NG-6). NG-4, DN LAND LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATE ACCESS TO FISHERIES, CONSIDERED THE UNDERLYING

ISSUES OF WHETHER ACCESS SHOULD BE A "RIGHT" OR SHOULD
INSTEAD BE CONFINED TO SURPLUS PREFERENCES. NO BREAK-
THROUGH WAS ACHIEVED BUT THE OUTLINES OF AGREEMENT MAY BE
EMERGING.

8. NG-6, ON DEFINITION OF THE CONTINENTAL SHELF BEYOND
200 MILES AND REVENUE SHARING, RECEIVED THE SECRETARIAT
STUDY WHICH INCLUDES A MAP SHOWING THE 200 MILE LIMIT, THE
500-METER ISOBATH, THE IRISH FORMULA (DEPTH OF SEDIMENT
TESTS AND BASE OF SLOPE PLUS 60-MILE FORMULAE) AND THE
EDGE OF THE MARGIN. THE STUDY DEMONSTRATES THE
REASONABLENESS AND WORKABILITY OF THE IRISH FORMULA.
DISCUSSIONS ARE JUST STARTING BUT IT IS CLEAR THAT
COMPROMISE WILL INVOLVE A PRECISE DEFINITION OF THE MARGIN
BEYOND 200 MILES COUPLED WITH REVENUE SHARING PROVISIONS.
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PAGE 04 GENEVA 06532 01 OF 02 010938Z

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PAGE 01 GENEVA 06532 02 OF 02 010943Z
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UNCLAS SECTION 02 OF 02 GENEVA 06532

9. TWO FORMAL MEETINGS OF COMMITTEEIII HEARD WIDESPREAD
SUPPORT FOR THE BALANCE SET FORTH IN THE ICNT AND FOR THE

VIEW THAT CHANGES WOULD BE UNWISE. HOWEVER, MOST DELEGATIONS WERE SYMPATHETIC TO FRENCH PROPOSALS FOR AVOIDING OR DEALING WITH INCIDENTS LIKE THE AMOCO CADIZ.

10. AN INFORMAL MEETING UNDER VALLARTA OF MEXICO WAS ALSO CONVENED. HE LISTED ARTICLES REQUIRING FURTHER CONSIDERATION. THESE INCLUDED ALL ARTICLES OF INTEREST TO THE US PLUS ARTICLES 21 AND 234, OF CONCERN TO CANADA AND SPAIN RESPECTIVELY. THE PROGRAM OF WORK LISTED FIRST THE INTERVENTION ARTICLE (222), THEN THOSE DEALING WITH THE TERRITORIAL SEA AND FINALLY THOSE ADDRESSING ECONOMIC ZONE ISSUES. DISCUSSION BEGAN ON A FRENCH PROPOSAL TO REDRAFT ARTICLE 222. THE PROPOSAL WOULD ELIMINATE THE REQUIREMENT THAT A THREAT BE GRAVE AND IMMINENT AND WOULD MODIFY THE 1969 INTERVENTION CONVENTION DEFINITION OF UNCLASSIFIED

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PAGE 02 GENEVA 06532 02 OF 02 010943Z

MARITIME CASUALTY BY ADDING TO IT THE PHRASE "THEREBY DAMAGING OR THREATENING THE MARINE ENVIRONMENT." NO AGREEMENT WAS REACHED AT THE CONCLUSION OF DISCUSSION ON FRIDAY MORNING.

11. NG-5 OPENED WITH THE INTRODUCTION BY MEXICO OF A NEW COASTAL STATE PROPOSAL. IT WOULD DELETE ARTICLE 296(4), AND THUS EXEMPT ALL FISHERIES DISPUTES IN THE ECONOMIC ZONE FROM COMPULSORY SETTLEMENT. SWITZERLAND AND OTHER LL/GDS MADE SEVERAL PROPOSALS TO EXPAND FISHERIES ADJUDICATION UNDER 296(4). SOME LATIN STATES SUGGESTED THAT COMPULSORY ADJUDICATION FOR CASES OF ABUSE OF RIGHTS MIGHT BE THE BASIS OF A COMPROMISE, IF IT APPLIED ACROSS THE BOARD TO LIMIT ALL EXCEPTIONS.

12. THE SOVIET UNION PROPOSED TO ADD SALMON-RELATED DISPUTES UNDER ARTICLE 66 TO THE LIST OF THOSE EXEMPT FROM COMPULSORY SETTLEMENT. IT ALSO SUGGESTED THE ELIMINATION OF THE OPTIONAL EXCEPTION FOR COASTAL STATE LAW ENFORCEMENT UNDER ARTICLE 297(1)(B). NO CLEAR TREND HAD EMERGED BY WEEK'S END.

13. GENERAL AND INCONCLUSIVE DISCUSSIONS TOOK PLACE IN NG-7 ON DELIMITATION OF MARITIME BOUNDARIES BETWEEN STATES AND RELATED DISPUTE SETTLEMENT. MOST COUNTRIES SIMPLY REAFFIRMED PREVIOUSLY STATED POSITIONS. SOME FAVOR A RULE OF EQUITY FOR DELIMITATION; OTHERS PREFER THE MEDIAN LINE AS MODIFIED BY SPECIAL CIRCUMSTANCES. THERE IS AGREEMENT ONLY ON THE IMPORTANCE OF DELIMITATION BY AGREEMENT, AND ON THE NEED FOR AN EQUITABLE RESULT. RICHARDSON

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